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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,172	12/30/2005	Josef K. Winkler	56927(2048)	5200
21874	7590	05/31/2006		
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			EXAMINER PHAM, TOAN NGOC	
			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/509,172

**Applicant(s)**

WINKLER ET AL.

**Examiner**

Toan N. Pham

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9 is/are allowed.
- 6) ☒ Claim(s) 1,2,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 and 13-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/06/05</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinkawa et al. (US 4,799,162).

Regarding claim 1: Shinkawa discloses an arrival time of a vehicle at one or more locations along the travel route for the vehicle comprising the steps of: generating a table including locations of the vehicle in a time sequence as the vehicle approaches each of the one or more locations and an ETA corresponding to each location; transmitting signals periodically from the vehicle. each signal including information of vehicle location at the time of transmission; and determining an arrival time for each transmitted location using the time sequenced location and ETA in the table (col. 6, lines 34-68; col. 9, lines 66-68; Figs. 3, 4).

Regarding claim 2: Shinkawa discloses mapping movement of a vehicle moving in a predetermined sequenced comprising transmitting signals periodically from the vehicle each signal including information of vehicle location at the time of transmission; and constructing a travel path using the periodically transmitted signal (col. 2, lines 21-58; col. 6, lines 34-62; col. 9, lines 66-68).

Regarding claim 10: Shinkawa discloses a method for real-time tracking of at least one vehicle that is in-transit in a predetermined area comprising the steps of: providing a plurality of signal receiving devices (22a-c) disposed throughout a region including the predetermined region so as to be capable of receiving signals being generated within the predetermined area; establishing a communications network (24a-c) operably interconnecting each of the plurality of signal receiving devices; transmitting signals periodically from each of the at least one in-transit vehicle, each signal being transmitted including location information of said each at least one in-transit vehicle (25a-c) at the time of transmission; receiving each of the periodically transmitted signals at one of the plurality of provided receiving devices; and determining if the receiving device receiving said each of the periodically transmitted signals is the processing receiving device that is to process the transmitted signal (col. 2, lines 21-58; col. 6, lines 34-62; col. 9, lines 66-68).

Regarding claim 12: See claim 10 above.

***Allowable Subject Matter***

Claims 3-9 are allowed.

Claims 11 and 13-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

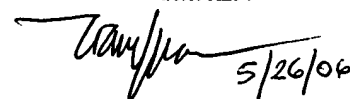
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Carreel et al. (US 5,483,234), Jones (US 5,657,010), Schmier et al. (US 6,374,176), Oster et al. (US 6,137,425), O'Connor et al. (US 6,803,862), Janky et al. (US 5,751,245), Olandesi (US 5,739,774), and Westerlage et al. (US 5,987,377) are cited to show a variety of vehicle estimated time of arrival systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**TOAN N. PHAM**  
**PRIMARY EXAMINER**

 5/26/06